

JESSUP'S CLAIM.

E-JOINS THE COMMISSIONERS.

The Federal Courts Serve a Writ of Injunction
on the Railroad Commissioners—Inter-
views with Governor Smith and
General Robert Toombs.

Saturday afternoon last Marshal Fitzsimmons, through one of his deputies, served upon the railroad commissioners a temporary writ of injunction issued out by Morris K. Jessup in the United States court. Jessup's petition in the state, in conjunction with the attorney-general, in the United States court on the 1st instant. The progress of the case has been followed with interest by the people of the entire state.

TEACHERS' ASSOCIATION.

**Its Meeting in Macon—List of Mem-
bership, Etc.**

Tuesday morning at 9 o'clock the Georgia Teachers' association convened in the Masonic hall in Macon. There was a good attendance of members.

The association had been called to order, Joseph Clishy, Esq., president, the teacher of the year, and the president of the Savannah, Florida, and Western railroad company, late the Atlantic and Gulf, to restrain the road and the commissioners from enforcing the tariff of rates recently established by the commission. Services were acknowledged and the hearing of the petition has been set down by Judge Woods for the 14th instant, in this city.

JESSUP'S CLAIM.

Morris K. Jessup, the mover for the injunction, claims that it should issue upon two grounds, to-wit:

1. That the legislature of a state has no authority to delegate powers bestowed upon it by constitutional provision to third parties as agents with discriminatory and plenary powers.

In other words, Mr. Jessup holds and seeks to have the federal courts enforce the idea that the state has no power to control the operation of its own creation, either as chartered institutions or as common carriers. He holds that a railroad corporation has the right to manage its affairs independent of the sovereign powers of the state. It recognizes no rights to the state growing out of the surrender by it of the right of eminent domain and seeks to establish the independence of corporations from the regulating power of the state.

Failing in that he would have the federal courts deny the sovereignty of the state in the matter of rates, even a decision upon the constitutional powers of a state legislature. He sees it, appears to have the United States courts determine whether the state legislatures shall be done by the legislature or whether the body may constitute a public and discriminatory tribunal for the purpose. He holds that the state has no power to the work entire and its schedule remains in force the two years between general assemblies, independent of the justice or injustice of such enactments.

THE REAL GRANVANES.

of the proceeding is this: An effort to take from the state courts a case belonging there to and get from the federal courts a decision in it. This is doubtless a test case well understood by all the railroad managers of the state. It is a case involving much to the state of the country. It is a case right to regulate the limits of corporate authority voluntarily granted by the state. If Jessup should succeed in this case it would be a signal victory to the railroads, part of every road in the state. The commission would become of no avail; it would be shorn of its powers and the railroads left to riot over the people as they did before the commission was established.

THE TAX AND INJUNCTION.

The argument and disposition of the application for a permanent injunction will take place in this city on the 15th of May, United States court rooms. It is expected the Supreme Court of Georgia will be present at that time and present with Judge Wood. Jackson, Lawton & Bassinger and Chioldo are attorneys for Jessup; the state has not yet appointed counsel to assist the man.

The railroad company is playing a desperate game. If it fails to make good its motion it comes in for all the penalties due to the railroads.

As soon as the case develops fully we shall have more to say concerning it.

INTERVIEW WITH GOVERNOR SMITH.

Our reporter met Governor Smith, chairman of the railroad commission, and asked him about the injunction.

"I am glad to see you, governor," that the question has been raised at this time. The commission will be glad to know whether they have the authority to perform their functions as they stand.

"I am glad to see you, governor," that the people should know whether they are to control the railroad corporations or the railroad corporations are to control the people. The question is one of the utmost importance to the interest of the people of the state.

"How comes the question before the federal courts?"

"It is upon the part of the railroad people. Jessup takes advantage of his non-residence to make the issue in the federal courts, but they have nothing to do with the state. We are to have a change in the policy of the state; these railroads are state corporations, and as such subject to regulation in such manner as the state, through her general assembly, may determine."

"What do you think of the case—I mean what does it refer to?"

"I cannot believe that the United States courts will undertake to interfere with our operations. That would be an assumption of authority over the sovereign powers of the state. These railroads are state corporations, and as such subject to regulation in such manner as the state, through her general assembly, may determine."

"What will the commission do in the meantime?"

"We leave the defense of the case to the governor and attorney-general. They will move to dissolve the injunction and resist the commission. The commission will be compelled to do with the case as it stands upon its own case."

"Was there any necessity for action of the commission for the purpose of bringing the case before the federal courts?"

"Not at all. The commission was called to the state of the law, and the law is that the state has no power to regulate the railroads."

"What will the commission do in the meantime?"

"We leave the defense of the case to the governor and attorney-general. They will move to dissolve the injunction and resist the commission. The commission will be compelled to do with the case as it stands upon its own case."

"Do you think the constitutionality of the act can be established?"

"Yes, or by establishing the defense of the state. All the roads have to do is to prove to us reasonable proof that in justice to the state, the railroads are to be controlled, and the railroads are to be controlled by the state. The question is one of the utmost importance to the people of the state."

"What is the defense of the case?"

"There is nothing in it, promptly re-plied the governor. "We think the constitutionality of the act can be established."

"Do you think the constitutionality of the act can be established?"

"Yes, or by establishing the defense of the state. All the roads have to do is to prove to us reasonable proof that in justice to the state, the railroads are to be controlled, and the railroads are to be controlled by the state. The question is one of the utmost importance to the people of the state."

"What do you think of the injunction against the railroad commission?"

"There is nothing in it, promptly re-plied the governor. "We think the constitutionality of the act can be established."

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"What have the federal courts to do with the case?"

"No more than any individual out in that street. There is no pretext for the case except that there but Jessup's non-residence. The question belongs to the state courts."

"Have you any interest in the trial of the question?"

"I do not know. I said I would appear for a fee of one dollar. I have nothing to do with its acts, but the men composing the commission are good and satisfactory men. They are doing right, and I am satisfied that they

THE DAILY CONSTITUTION.

VOL. XII.

ATLANTA, GA. THURSDAY MORNING, MAY 6, 1880.

IN THE CAPITAL.

BLOUNT AND THE FAST MAIL SERVICE.

A Little Pleasantness Between Blount and Rhode Island Suffrage Laws—Proceedings of Both Houses—The Tariff Bill Considered.

Its Meeting in Macon—List of Membership, Etc.

Washington, May 6.—After more than two years of constant labor, by two experts, in examining the books of the treasury, the final report of Mr. Morris J. Jessup, of West Virginia, containing a mass of facts which claims the most serious attention.

The register of the treasury is the book-keeper for the government. All the public accounts finally go into his office. The amount of the national debt was \$1,000,000,000, which, under the provisions of this act, will be sustained by the treasury of each week.

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The Constitution.

Ahead. The *Constitution* is recognized as the organ and vehicle of the best southern thought and opinion—and at home its columns are consulted for the latest news, the freshest comment, and the most forcible and incisive. The *Constitution* contains more and later telegraphic news than any other Georgia paper, and this particular feature will be improved upon from time to time. All its facilities for gathering the news from all parts of the country are enlarged and supplemented. The *Constitution* is both chronicler and commentator. Its editorial opinions, its contributions to the drift of current discussion, its humorous and satirical paragraphs, are copied from one end of the country to the other. It is always to be the bright light of the newsy, odd, and popular papers. It aims particularly to give the news impartially and fully, and to keep its readers informed of the drift of current discussion by liberal but concise quotations from all its sources. In short, to more than ever deserve to be known as "the leading southern newspaper."

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The spirit of emulation and friendly competition which has seized upon the people of southern and western Georgia may very safely be relied upon to give the sections a decided advantage over the rest of the state in the work of substantial recuperation and development, and in the race for material progress. Thomas has been holding a spring fair during the present week which may be considered successful, and we have just received the programme of a spring fair to be held in Albany on the 19th, 20th and 21st of the present month, under the auspices of the Southwest Georgia industrial association. Amusement has been very judiciously mingled with the sober methods of an ordinary floral and agricultural exhibition, and the programme is exceedingly attractive.

In the first place, there is to be a grand military prize drill, the successful company to bear off a purse of one hundred dollars, and the drill is to be supplemented by a boat race. In the second place, there are to be no less than six running and trotting races, all for substantial prizes. In the third place, there is to be a spirited musical contest between three or more brass bands for a purse of one hundred dollars. With such an incentive, some pretty steep climbing may be looked for. In addition to these things, the exhibition of farm and garden produce, and the products of other branches of industry, promises to be unusually attractive. We trust our section of the state, as well as middle Georgia, will be largely represented at Albany, where it is needless to observe, they will meet with a most hearty welcome. Those who desire to be put in possession of further particulars should address Mr. J. E. Welch, the president of the association, or Mr. Frank V. Evans, the secretary.

The Veto of the Deficiency Bill. The veto of the little deficiency bill is based upon a technicality. The president claims that the rider which provides for the transfer of the appointment of political deputy marshals from the marshals to the judges, requiring them to make the appointments in regular number from the leading political parties, is not germane and is a change in the law. Mr. Harte can at least read the German language in its native wilds; but, good gracious! cannot a free-born American citizen succumb to the baseness of too much beer without becoming the target of a paper printed in the language in which Carl Schurz alludes to the Indian problem?

WELL, as to Courtney, he came, saw, however, it is unnecessary to use a classical quotation at this early date.

DOWNEY. Forty-one years old. To succumb at that age to Mr. Mrs. Phantasma's confession of cerebral weakness. But, for our part, we would be glad if all original poetry could be published in record.

The New York Tribune renew its elaborate compilation of figures to show that Grant cannot be nominated. In July the Tribune will be endeavoring to lead the Grant column, and a pretty spectacle Editor Reid and his political paragrapher will make.

Mr. Bristow is renowned, not because he is an earnest reformer, but because his party unanimously repudiated his policy. In other words, Mr. Bristow was too honest to suit the republicans, and now even Mr. George Willian Curtis can only remember his name by referring to a dusty diary.

Mr. Evans wants the country to contribute \$50,000 to entertain the king of Siam when he comes to this country. If Mr. Evans will place his thumb upon his nose and state that there is no tired and hungry American upon whom this sum might be better expended, we will go to congress and vote for the appropriation.

We have inadvertently neglected to mention heretofore that Mr. John H. Martin, of Boston, is sole owner of the Sunday Gazette. Mr. Martin's experience as a political journalist is fortified by strong literary tastes, and we predict that he will make the Gazette more popular than ever.

GEORGIA POLITICS. THINGS are warming up.

The trouble in the republican wigmaw waxed hotter. The color line has been drawn. Memphis has laid fifteen miles of new sewers, and otherwise made great sanitary improvements. Both cities are watchful and determined, and there is no reason at present to believe that they will not be able to maintain a healthy condition throughout the entire summer.

New Orleans has established a rigid quarantine against vessels from such infected places as Havana, Vera Cruz and Rio. Memphis has laid fifteen miles of new sewers, and otherwise made great sanitary improvements. Both cities are watchful and determined, and there is no reason at present to believe that they will not be able to maintain a healthy condition throughout the entire summer.

The anti-slavery movement will crystallize at St. Louis to-day. Steps will be taken, it is thought, to make the unwritten law of the republic effective—if not at Chicago, then at the polls. The extent of the feeling against a third term is very deep and broad. It is to be hoped that the Chicago convention will give it a chance to express itself in the doubtful states in November.

The abridgment of the right of suffrage in New England has been brought home to Rhode Island. Senator Wallace has submitted a report that will make very interesting reading during the campaign. Massachusetts needs investigation also. Its educational qualification deprives a vast number of the right to be counted in the apportionment of members of congress.

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The ways and means committee always adjourns when the subject of wood pulp is taken up. General Garfield is there, and the two pulp-making members, Russell and Miller, are generally near at hand. Garfield, Russell and Miller were in close consultation on the floor during the filibustering proceedings of last Monday to prevent the introduction of a bill to put wood-pulp on the free list. Garfield may protest and explain, but he has not yet voted in favor of free paper or anything else that would tend to break down the exactions of the paper man.

Fast Mails. Mr. Blount prevented, on Tuesday, even the consideration of an amendment to give the country a fast mail service. He kept the item out of the bill until it was reported; and he seems to have done his best to keep it out afterwards. In this matter he mistakes the sentiment of the people. For the sum of \$400,000 the government can give the whole country quick mails. The benefits of a faster and better service would not be confined to towns of the trunk lines; there is not a congressional district, nor a post-office in a congressional district, that would not feel the change. It would promote the business, the comfort and the pleasure of forty-five millions people; and yet Mr. Blount would have forty-five millions of people to stick to the old service in order to save \$400,000. The Constitution, as is well known, admires the watchfulness of Mr. Blount in the matter of public expenditures, but it fails to see any economy in such a hasty and bold step that is easily out of keeping with the times. The truth is, Mr. Blount has carried the economy business a trifles too far. He forgets that this is the nineteenth century, and that he lives in one of the most populous countries of the world. He has not stopped to think how much one little mail bag can cost.

Delegates Downey of Wyoming, Carter of Indiana, and Moore of Mississippi are the only ones against nature that even a reasonable old age, that unseasoned of thought, or, as he would seem it, insincere, can not conceive.

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